

# PATENT COOPERATION TREATY

From the:  
INTERNATIONAL SEARCHING AUTHORITY

To:  
  
Griffith Hack  
GPO Box 4164  
SYDNEY NSW 2001

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) - 7 MAY 2004

Applicant's or agent's file reference  
FP19544

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/AU2004/000462**

International filing date (day/month/year)  
8 April 2004

Priority date (day/month/year)  
11 April 2003

International Patent Classification (IPC) or both national classification and IPC  
Int. Cl. <sup>7</sup> C09K 3/18, CO9D 5/02, 5/00

Applicant  
**UNISEARCH LIMITED et al**

**1. This opinion contains indications relating to the following items:**

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the IPEA/AU  
AUSTRALIAN PATENT OFFICE  
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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2004/000462

Box No. I Basis of the opinion

10/552570

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
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International application No.

PCT/AU2004/000462

**Box No. V** Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

**1. Statement**

Novelty (N)	Claims	YES
	Claims 1-35	NO
Inventive step (IS)	Claims	YES
	Claims 1-35	NO
Industrial applicability (IA)	Claims 1-35	YES
	Claims	NO

Citations and explanations:

**CITATIONS**

- D1. WO 2001/014497
- D2. WO 1999/057185
- D3. WO 1998/042452
- D4. EP 1215252
- D5. JP 2002114941

**NOVELTY AND INVENTIVE STEP**

Claims 1-35: The claimed invention generally relates to a coating composition comprising a particulate material and a polymer, wherein the polymer is cross-linked, and the use of the composition for rendering the surface of a substrate hydrophobic.

These features are disclosed in each of the above citations. For example, D3 discloses the application of a hydrophobic coating to a surface, wherein the coating comprises surface-modified silica powder, a polymer (such as polyurethane) and a radical initiator such as benzoyl peroxide. Hence, the claims are not novel and do not involve an inventive step when compared with these citations.

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International application No.

**PCT/AU2004/000462**

**Box No. VI      Certain documents cited**

**1. Certain published documents (Rules 43bis.1 and 70.10)**

<u>Application No. Patent No.</u>	<u>Publication date (day/month/year)</u>	<u>Filing date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
US 6657001	2 December 2003	31 July 2000	23 December 1999
US 6599633	29 July 2003	4 April 2000	10 April 1999

These citations disclose coating compositions comprising a particulate material (such as silica), a polymer (eg. polysiloxane) and a cross-linking agent (eg. methyltrimethoxysilane).

**2. Non-written disclosures (Rules 43bis.1 and 70.9)**

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>